IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

RP.No. 982 of 2007()

AGAINST THE ORDER IN C.M.Appln.No.435/2007 Dated 19/03/2007
OS.62/2003 of SUB COURT, PAYYANNUR
.....

REVIEW PETITIONER/APPELLANT:

POTTICHI MUHAMMED, S/O.ASSAN ALI, AGED 35 YEARS,
PARIYAROM AMSOM DESOM, KORANPEEDIKA,
TALIPARAMBA VIA, KANNUR DIST.

BY ADV. SMT.K.K.CHANDRALEKHA

RESPONDENTS/RESPONDENTS:
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1. CHITTATTILKADAVATH MUHAMMED KUNHI, S/O.ADAM KUTTY,
REP. BY POWER OF ATTORNEY HOLDER KANNANCHAL PUTHIYAPURAYIL
HASSANKUTTY, MERCHANT, TALIPARAMBA TALUK,
KURUMNATHUR AMSOM, KANICHAL DESOM.

2. PARAMMAL MUHAMMED, S/O.KANUKARAN MAHAMOOD, WORKING
IN MERCHANT NAVY, PAYANNUR AMSOM DESOM, THAYANERI
THACHAMVAYAL HOUSE, NOW NEAR A.K.G.LIBRARY
ROOM NO.13,-3-7, P.O.EZHILODE, CHERUTHAZHAM.

BY

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

C.M.Appln.No.1789 of 2007 &
R.P.No. 982 of 2007 in
C.M.Appln.No.435/2007 in
Un-numbered RFA/2007

Dated this the 23rd day of November, 2007

O R D E R

Kurian Joseph,J.

C.M.Appln.No.1789 of 2007 is a petition to condone the delay in filing the review petition. After having heard the counsel for the petitioner and the learned Government Pleader we find that no notice need be issued to the party since the order sought to be reviewed is only an order to pay costs as a condition for condoning the delay in re-presenting the appeal. It is submitted that the petitioner is prosecuting the appeal as an indigent person and therefore, he is not in a position to pay the costs. In view of the inordinate delay only we imposed the costs. Be that as it may, since the appeal itself is prosecuted as an indigent person we are of the view that it is only in the interests of justice that the order is recalled. Therefore, the delay is condoned. The review petition is allowed. Order dated 19-3-2007 is recalled. Issue notice to the respondents in C.M.Appln.No.435/2007.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.

KURIAN JOSEPH &
K.T.SANKARAN, JJ.

C.M.Appln.No.1789 of 2007 &
R.P.No. 982 of 2007 in
C.M.Appln.No.435/2007 in
Un-numbered RFA/2007

O R D E R

23rd November, 2007